

REMARKS/ARGUMENTS

Claims 1-20 are present in this application. Claims 7, 12 and 13, which were indicated as being allowable, have been rewritten in independent form to include the elements of the claims on which they originally depended. In view the amendments, it is submitted that these claims are now allowable. Claims 1 and 8 have been amended and new claims 17-20 have been added to further protect applicant's invention. The enclosed Fee Transmittal form authorizes charging the extra independent claim fee to MacMillan, Sobanski & Todd, LLC, deposit account No. 13-0005.

Applicant respectfully traverses the rejection of claims 1-6, 8-11 and 14-16 under 35 U.S.C. §102(b) as being anticipated by Barr et al. patent 4,131,142. Barr et al. is directed to a safety valve for use in a gasoline pump which includes a vapor recovery system. The valve includes two normally open passages, one for delivering gasoline to a vehicle and one for recovering gasoline vapors as the gas is delivered. The valve includes valve members for blocking flow in each passage. Two release mechanisms are provided for allowing the valve members to move to their closed positions. A lever arm 140 normally holds the valve members in the open positions. The lever arm 140 is secured by solder 150 to a collar 146 on a rotatable shaft 34 on which the valve members are mounted. In the event of a fire, the solder 150 melts, allowing the shaft and valve members to be rotated to the closed position. Alternatively, if the gasoline pump housing is struck by a vehicle, the housing fails at weakened points 130 and the lever arm 140 is released to allow the valve to rotate to its closed position. In either event, the valve must be repaired before it can be used.

It is respectfully submitted that the rejected claims are not anticipated by Barr et al. due to the fact that claimed mechanism for holding the valve member open and for releasing the valve member to move to its closed position is totally different from the Barr et al. mechanism. Barr et al. has no actuator as claimed. It is submitted that solder which melts at a predetermined temperature is not "a release actuator movable when the temperature is at the threshold value, to engage the holding device to cause

the retaining member to become disengaged from the holding device", as required by all of the rejected claims. Solder 150 which secures the Barr et al. arm 140 to the collar 146 clearly is not a release actuator within the scope of applicant's claims and disclosure. Melting solder does not actuate anything. It merely allows something to move. This interpretation in the office action is surely stretching the meaning of the words "release actuator" too far. Withdrawal of the rejection is appropriate.

Independent claims 17-20 have been added to further protect applicant. It is submitted that these claims also are patentable over Barr et al. Independent claim 17 is similar in scope to original claim 1, except that the release actuator has been defined as "a release actuator movable when the temperature is at the threshold value, to force apart the retaining member and the holding device, to permit the valve member to move from the first position to the second position". There is no such structure in Barr et al. Claims 18-20 are dependent on claims 17, 1 and 12, respectively. These claims recite that when the valve member is manually moved from the second position to the first position whilst the temperature is below the threshold value, the retainer member engages the holding device to retain the valve member in the first position. This clearly is not shown in Barr et al. If the Barr et al. valve closes due to a high temperature, the collar 146 and arm 140 assembly must be replaced, due to the fact that the solder 150 has melted and flowed away. Accordingly, it is submitted that these claims are also patentable.

Please extend the time for responding to the office action to the mailing date of this response. Please charge the extension fee to MacMillan, Sobanski & Todd, LLC, deposit account No. 13-0005.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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